

**Notice of Allowability**

Applicati n N .

10/619,263

Examin r

Jennifer Doan

Applicant(s)

KOMURA ET AL.

Art Unit

2874

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed on 7/14/2003.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☒ The drawings filed on 14 July 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 0903
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## EXAMINER'S AMENDMENT AND STATEMENT OF REASONS FOR ALLOWANCE

### *Examiner's amendment*

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

✓ In line 12 of claim 1 and line 8 of claim 2, please delete "***the*** angle" and insert ***—an angle—***.

### *Reasons for Allowance*

2. The following is an examiner's statement of reasons for allowance:

None of the references discloses alone or in combination a method for manufacturing an optical waveguide device, the method comprising a step of forming a plurality of grooves at each of the branch points, the distance between the grooves being  $P$  and an angle of each of the grooves being  $\theta$  ( $0^\circ < \theta < 90^\circ$ ), such that the formulas are satisfied:

$$X = M.P / \sin \theta \quad (\text{where } M \text{ is natural number})$$

$$X = N.P / \sin \theta \quad (\text{where } N \text{ is branch points})$$

$$Y = P / \cos \theta \quad (\text{where } X \text{ and } Y \text{ are length of sides of each grid in the matrix})$$

$$Z \leq (N+1).P / \sin \theta \quad (\text{where } Z \text{ is a length of the core extending in } X \text{ direction})$$

in combination with the remaining claimed limitations.

The most relevant references, Toyama et al. (U.S. Patent 6,061,487) disclose an optical waveguide circuit, optical branched waveguide circuit and optical module used for optical wiring parts of optical communications. Sato et al. (U.S. Patent 6,072,924) disclose optical paths are switched by changing the condition of reflection and transmission of light. And Germann et al. (U.S. 2004/0062484) disclose a coupling between an optical fiber and a waveguide. However, there are no disclosures in the documents cited disclose or suggest the limitations above.

Claims 1-7 are therefore allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art documents submitted by applicants in the Information Disclosure Statement filed on 09/22/2003, have all been considered and made of record (note the attached copy of form PTO-1449). They also fail to disclose or suggest the limitations above.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-

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2346. The examiner can normally be reached on Monday to Thursday from 6:00am to 3:30pm, second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Tennifer Doan*

JD

July 9, 2004

*Phan T. H. Palmer*  
**PHAN T. H. PALMER**  
**PRIMARY EXAMINER**